

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:07-CR-148
)	(Phillips / Shirley)
VINCENT VALENTINE,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This matter came before the Court for an evidentiary suppression hearing on February 1, 2008. Defendant Vincent Valentine was present with his counsel, Philip Lomonaco. The government was represented by Assistant United States Attorney Cynthia Davidson.

At the conclusion of the suppression hearing, the Court took up the matter of Defendant Valentine's Motion for Additional Discovery [Doc. 12]. Attorney Lomonaco stated that his initial factual investigation of the events leading to Mr. Valentine's arrest had led him to believe additional records about the police operation underway that night may have been relevant. Because sufficient further detail was provided about the operation through the testimony of the three witnesses at the suppression hearing, Attorney Lomonaco described the state of his request, at that point, had been reduced to somewhat of a "fishing expedition." AUSA Davidson reported that the government is not in possession of the material sought in the motion and is unaware whether it is even available or has been preserved by the arresting agency.

Given the testimony at the suppression hearing and this Court's findings of fact in its report and recommendation to the District Court [Doc. 21], the Court finds the defendant's request for further information with respect to the unrelated operation underway at the time of the instant traffic stop is now moot. Accordingly, Mr. Valentine's Motion for Discovery [**Doc. 12**] is **DENIED**.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge